IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17061 of 2004

Between:

K. Yakob, S/o. Bikshamaiah,
R/O. 5-64/1, P & V KUDAGUDA - Linga Nagar Manchvamalla, District Nalgonda.

..... PETITIONER

AND

The Depot Manager, A.P.S.R.T.C. Kodada Depot,
Nalgonda District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the Proceedings No.02/95 (102)/04-KDD, Dated 23-08-2004 placing the petitioner under suspension and appointing the superintendent (T) Enquiries R.M's Office, Nalgonda as an Enquiry Officer by proceedings No. 02/95 (102)/04-KDD, Dated 31-08-2004 by the Respondent herein as arbitrary, illegal, unjust, contrary to law, contrary to the regulations and circulars, no public interest is involved and also in violation of Articles 14 and 21 of the Constitution of India and set-aside the same as such

Counsel for the Petitioner: MR.P.SRIDHAR RAO

Counsel for the Respondent : MR.V.T.M.PRASAD

The Court at the admission stage made the following :

THE HONOURBLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 17061 of 2004

ORDER:

The allegation against the petitioner is that he did not issue ticket to one of the passengers and did not collect the fare from the said passenger.

A charge sheet was issued to the petitioner for a regular enquiry, and he was also kept under suspension through the proceedings No. 02/95/(102)04-KDD, Dated: 23.08.2004.

The learned Counsel for the petitioner represented that the respondent resorted to suspend the petitioner unmindful of the gravity of the misconduct and the impugned order was passed mechanically, keeping the petitioner under suspension. Therefore, requested to revoke the suspension while giving opportunity to the respondent to proceed with the enquiry.

The learned Counsel for the respondent vehemently opposed the application and submitted that the raising of the suspension order would lead to indiscipline among the workers of the corporation. Therefore, he requested to retain the suspension order, dated 23.08.2004 by directing the respondent to proceed with the enquiry.

By taking into consideration the representation made by the learned Counsel for the petitioner, the order of suspension-dated 23.08.2004 is directed to be raised. The respondent is directed to proceed with the enquiry according to the rules and regulations and pass appropriate orders after conclusion of the enquiry. (*) If the allegation made by the petitioner that the Enquiry Officer appointed by the respondent is one of the members of the squad who conducted the check over the bus conducted by the petitioner is true, another Enquiry officer may be appointed in his place."

Accordingly, the writ petition is disposed of. No order as to costs.

Dated: 22nd September,2004

Dr. G.YETHIRAJULU, J

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NOTE:

Issue C.C. tomorrow

(By Order)

bud

22/09/2004

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(*) Added as per the Court Orders dated: 12.10.2004 in W.P.M.P.No.24608 of 2004.

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Dt.12th October,2004

Dr. G.YETHIRAJULU, J.

Note:

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Issue this revised order within

two days.

(By Order)

bud

12/10/2004

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NOTE:

Substitute this order in place of the earlier order already dispatched on 29.09.2004.

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Asst. Registrar

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Copy to:

1.The Depot Manager, A.P.S.R.T.C., Kodada Depot,

Nalgonda District.

2. Two C.D.Copies.